

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

-against-

TRIAXX ASSET MANAGEMENT LLC,
et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 04/11/2023

18-CV-4044 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during today's final pretrial conference, it is hereby ORDERED as follows:

1. Motions *in Limine*

- a. The TAM Parties' motion *in limine* (Dkt. 483) is GRANTED IN PART. The Savino deposition designations regarding the SEC Matters (as defined in the TAM Parties' memorandum of law (Dkt. 484)) are hereby EXCLUDED, as is Trial Exhibit 2008. The TAM Parties' motion is otherwise DENIED.
- b. The Noteholders' unopposed motion *in limine* (Dkt. 488) is GRANTED. Trial Exhibit 3505 is hereby EXCLUDED.
- c. The Trustee's and Noteholders' motion *in limine* (Dkt. 490) is DENIED.

2. Order of Trial. Trial will commence at **9:30 a.m. on Monday, April 17, 2023**, and will proceed from 9:30 a.m. to 4:30 p.m. that day and each day thereafter (with short morning and afternoon breaks and approximately one hour for lunch) through **Friday, April 21, 2023**, unless sooner concluded. Each party or group of parties will be allowed 20 minutes for opening statements on Monday morning, and 45 minutes for closing argument on Friday. These time limits will be strictly observed. The order of live witnesses will be:

- Sliwa
- Moon
- Nissenbaum
- Garb
- Calamari
- Jonsson
- Tang
- Beaumont

The Court expects each witness to be available and ready to proceed promptly upon the conclusion of the prior witness's testimony. In the event that unforeseen circumstances require a change in the order of witnesses, counsel shall promptly so advise all parties and the Court. If necessary, the Court will also impose time limits for direct, cross/adverse, and redirect examination of live witnesses.

3. Witness Sequestration. All live trial witnesses shall be sequestered prior to their testimony, except for attorney Beaumont.
4. Updated Deposition Designations. In light of the Court's *in limine* rulings, as well as the unavailability of witnesses Priore and Stein for live trial testimony, the parties shall, no later than **April 13, 2023**, submit their updated consolidated deposition designations (showing all parties' designations and objections and formatted for ease of use at trial) for witnesses Priore, Stein, and Savino. As with the previously-submitted designations, the Court requests two bound copies, showing (for each deposition) the cover page, the signature/certification/errata pages, and all pages on which the designated testimony appears.
5. Submission of Deposition Designations. The parties shall offer their deposition designations into evidence at the close of all live testimony. It is the Court's intention to take all remaining objections to the designated deposition testimony under submission at that time.
6. Exhibits to be Introduced Without Objection. No later than **April 17, 2023, at 8:30 a.m.**, the parties shall submit, by email to Moses_NYSDChambers@nysd.uscourts.gov, a list of exhibits that the parties intend to jointly move into evidence at the commencement of trial.

The Clerk of Court is respectfully directed to close the motions at Dkts. 483, 488, and 490.

Dated: New York, New York
April 11, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge